



# PUBLIC NOTICE

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**Federal Communications Commission**  
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DISPATCH

DA 98-468  
March 9, 1998

## PETITION FOR EXPEDITED CONSIDERATION FILED

### COMMISSION SEEKS COMMENT ON "PETITION FOR EXPEDITED CONSIDERATION OF THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION" IN THE MATTER OF CALLING PARTY PAYS SERVICE OPTION IN THE COMMERCIAL MOBILE RADIO SERVICE

**WT DOCKET NO. 97-207**

**Comments Due: May 8, 1998; Replies Due: June 8, 1998**

On February 23, 1998, the Cellular Telecommunications Industry Association (CTIA) filed a "Petition for Expedited Consideration of the Cellular Telecommunications Industry Association" in a proceeding that has recently been initiated by the Commission. *See* Calling Party Pays Service Option in the Commercial Mobile Radio Service, WT Docket No. 97-207, Notice of Inquiry, 12 FCC Rcd 17693 (1997) (*Calling Party Pays NOI*). CTIA requests that the Commission issue a Notice of Proposed Rulemaking (NPRM) to adopt uniform, nationwide rules for Calling Party Pays (CPP) service.<sup>1</sup>

#### Summary of CTIA Petition

CTIA submits in its Petition for Expedited Consideration that the Commission's *Calling Party Pays NOI* proceeding has generated informed debate within the telecommunications industry and that the record in the proceeding supports rapid issuance of a NPRM to adopt Federal rules governing CPP service offerings. CTIA asserts that there is minimal disagreement in the industry concerning CPP and that the Commission can directly address the few remaining issues, such as billing, jurisdiction, and the appropriate level of Commission oversight, based on the proposals of CTIA.

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<sup>1</sup> The *Calling Party Pays NOI* describes CPP as a service option that some cellular, paging, and Personal Communications Service (PCS) providers offer whereby the party placing the call or page pays the airtime charge, and any applicable charges for calls transported within the Local Access and Transport Areas of a Local Exchange Carrier (LEC). Without this service option, the subscriber to the CMRS service — the "called party" — pays for incoming calls. *See Calling Party Pays NOI*, 12 FCC Rcd at 17694 (para. 3).

CTIA advocates Commission removal of regulatory impediments to CPP aimed at allowing a market-based approach to determine whether and when CPP will be implemented. CTIA further proposes adoption of a national notification policy to inform calling parties that they will be billed for completing a call to CMRS subscribers. CTIA submits that regulation concerning national notification should be limited to the least burdensome rules necessary to ensure adequate notification based upon efficient cost mechanisms.

In addition, CTIA contends that the record in the *Calling Party Pays NOI* proceeding demonstrates that the Commission has exclusive jurisdiction over nationwide implementation of CPP. CTIA supports the view that CPP qualifies as a commercial mobile radio service (CMRS) offering regardless of which carrier provides billing and collection, and contends that once a service is classified as CMRS, Section 332 of the Communications Act preempts States from regulating the rates or market entry of the carrier providing that service.

### **Calling Party Pays NOI Proceeding**

In the *Calling Party Pays NOI* proceeding, the Commission sought comment regarding the feasibility of a CPP service for CMRS and the Commission's authority to regulate it. See *Calling Party Pays NOI*. In addition to commenting on the procedural and substantive merits of the CTIA petition, parties commenting on the CTIA petition are asked to address issues, in addition to those raised in the pending *Calling Party Pays NOI* proceeding, that relate to that proceeding and that the Commission should weigh in considering the CTIA petition. Such issues would include technical and marketing developments in the CMRS industry since the release of the *Calling Party Pays NOI* and State regulatory interests and developments.

### **Pleadings**

Interested parties may file comments no later than **May 8, 1998**. Reply Comments must be filed by **June 8, 1998**. All comments should be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, referencing WT Docket No. 97-207 and the CTIA Petition for Expedited Consideration. The full text of the CTIA petition, and the comments and reply comments filed in the *Calling Party Pays NOI* proceeding, WT Docket No. 97-207, are available for inspection and duplication during regular business hours in the FCC Reference Center, Federal Communications Commission, 1919 M Street, N.W., Room 239, Washington, D.C. 20554. Copies may also be obtained from International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037 (202) 857-3800.

For further information, contact Dr. Joseph Levin or David Siehl at (202) 418-1310, Wireless Telecommunications Bureau, Policy Division.

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